

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUERDA OCCILIEN,

Plaintiff,

-v.-

RELATED PARTNERS, INC.; ARTERO
JIMENEZ; KATHERINE BLOCK;
HUDSON YARDS CONSTRUCTION II
HOLDINGS LLC; HUDSON YARDS
CONSTRUCTION II LLC; HUDSON
YARDS CONSTRUCTION LLC; and
RUSSELL TOBIN & ASSOCIATES,

Defendants.

19 Civ. 7634 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On December 29, 2021, the Court dismissed Plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. (Dkt. #76). The Court arrived at this decision following Plaintiff's unwavering, nearly year-long failure to initiate arbitration proceedings in violation of the Court's January 19, 2021 Order compelling arbitration of Plaintiff's claims. (Dkt. #65).

Since the issuance of the Court's dismissal order, a letter from Plaintiff, dated December 21, 2021, which urges this Court's recusal, was filed on the public docket. (Dkt. #79). However, nothing in this most recent submission seeking recusal alters the fact that Plaintiff has continued to flout the Court's Order compelling arbitration, and has provided no indication of her intent to comply in the future. Instead, Plaintiff summarily asserts that this Court has exhibited "impaired judgment," committed "judicial misconduct," and "has not ... acted as a Judge in this case." (*Id.*). These accusations, unaccompanied by

context or further explanation, do not suggest the existence of an affirmative bias or prejudice warranting this Court's disqualification or recusal. Therefore, Plaintiff's submission of December 21, 2021, does not alter the Court's conclusion that dismissal of this case is proper under these circumstances.

SO ORDERED.

Dated: December 30, 2021
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge